

Flynn & Wietzke, PC
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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TERRY MAHER,

Plaintiff,

16 Civ.

-against-

COMPLAINT

NEW JERSEY TRANSIT RAIL OPERATIONS,
INC., and "JANE DOE 1-100"

Defendants.

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PLAINTIFF DEMANDS TRIAL BY JURY

Plaintiff, by his attorneys, Flynn & Wietzke, PC, complains of the defendant and alleges:

FIRST: This action is brought under the Federal Employers' Liability Act, (45 U.S.C. Sec. 51 et seq.).

SECOND: The defendant is a corporation engaged in interstate commerce by rail and operates a railroad system and railroad yards within the jurisdiction of this Court and in various other States.

THIRD: That prior to February 13, 2014, and at all times hereinafter mentioned, the defendant employed the plaintiff as a signal inspector under its direction, supervision and control and in furtherance of defendant's business in interstate commerce.

FOURTH: That prior to February 13, 2014, and at all times hereinafter mentioned, the defendant maintained, operated and controlled a signal department truck in the vicinity of Nut Swamp Road, Middletown, New Jersey, in which plaintiff was a belted passenger.

FIFTH: That on or about February 13, 2014, while the plaintiff, an employee of the defendant, was in the performance of his duties as a signal inspector traveling as a passenger in a company vehicle on Nut Swamp Road, Middletown, New Jersey, the defendant, its agents, servants and employees, so negligently and carelessly conducted themselves toward the plaintiff in failing to provide plaintiff with a reasonably safe place to work; in failing to warn plaintiff; in failing to inspect; in failing to properly maintain the vehicle plaintiff was traveling in; in failing to train defendant's truck driver to drive on snow and ice; in failing to inspect the company vehicle tires; in failing to place anti-skid chains on the company vehicle truck; in failing to keep the vehicle under control; in operating the vehicle in a manner inconsistent with the weather and/or traffic conditions; and, so negligently failed and neglected to enact and enforce safety rules, regulations, procedures, and practices for activities carried out by its personnel at the said place, including applicable employee safety policy and procedures; that all of the foregoing brought about severe and disabling injuries to plaintiff, including but not limited to injuries to his neck and back.

SIXTH: That the said injuries occurred while the plaintiff was acting in the furtherance of interstate commerce or in work closely or substantially affecting the same.

SEVENTH: That the plaintiff was damaged thereby in the sum of \$500,000.00.

WHEREFORE, plaintiff demands judgment against the defendant in the sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS; together with the costs and disbursements of this action.

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